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10/632,406

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12/28/2007

EXAMINER

GARY, ERIKA A

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/632,406
Filing Date: August 01, 2003
Appellant(s): KRAFT, CLIFFORD H.

Clifford H. Kraft (Reg. No. 35,229)
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed November 7, 2007 appealing from the Office action mailed June 5, 2007.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

No amendment after final has been filed.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

2003/0035544	Herle et al.	2-2003
2003/0236095	Ross	12-2003
2004/0203903	Wilson et al.	10-2004

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims and have been modified from the Final Rejection mailed June 5, 2007. Specifically, the same prior art and citations have been applied, but the motivation statements for combining the references have been modified for clarification:

Claim Objections

1. Claim 21 is objected to because of the following informalities: on page 3, line 7, "than" should be "then". Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 21-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Herle et al., US Patent Application Publication Number 2003/0035544 (hereinafter Herle) in view of Ross, US Patent Application Publication Number 2003/0236095 (hereinafter Ross) and Wilson et al., US Patent Application Publication Number 2004/0203903 (hereinafter Wilson).

Regarding claim 21, Herle discloses a telephone location system comprising: a plurality of mobile telephone handsets; a telephone service provider providing telephone location services in communication with said handset wherein, said telephone service provider is able to geographically locate said handset, a handset owner being able to block location of said handset wherein said telephone service provider blocks location determination; said telephone service provider accepting a request from a consumer to locate a particular mobile telephone handset, said telephone service provider determining a geographic location of said particular mobile telephone handset when said user allows such determination; said telephone service provider then communicating said mobile telephone handset location to said consumer; wherein a particular consumer, by sending a predetermined message to said telephone service provider, can cause said telephone service provider to locate said telephone handset even when said handset owner has blocked location of said handset [paragraphs 0006, 0024, 0026, 0027, 0036, 0050; abstract].

What Herle does not specifically disclose is that the mobile telephone handset location is returned to the consumer in relational form by written description and shown on a map. However, Ross teaches this limitation [paragraph 0019].

Herle and Ross are combinable because they are from the same field of endeavor, which is, managing location information associated with mobile communication devices. At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify Herle to include Ross as Herle teaches providing location information, but does not specifically teach in what form the location information

is conveyed. The motivation for this combination, as suggested by Ross, would have been to provide various forms of location information (i.e. via map, written description, raw data such as longitude/latitude, or verbally) [paragraph 0053] as different formats suit different users.

Further, the combination of Herle and Ross does not specifically disclose that the user is able to block location of their handset for a time duration determined by said user by an action taken by said user directly on said handset, said action causing said handset to send a message to said telephone service provider, wherein said telephone service provider blocks location determination. However, Wilson teaches this limitation [abstract; paragraphs 0120, 0156 – 0158, 0167].

Herle, Ross, and Wilson are combinable because they are from the same field of endeavor, which is, managing location information associated with mobile communication devices. At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify the combination of Herle and Ross to include Wilson. The motivation for this combination would have been to allow the user automatic and instant privacy control, as suggested by Wilson [paragraph 0167].

Regarding claim 22, Ross discloses said telephone service provider returns a longitude and latitude representing the location of said handset to said consumer [paragraph 0028].

Regarding claim 23, Ross discloses the telephone handset location is returned to said consumer by voice description [paragraph 0053].

Regarding claims 24 and 25, Herle discloses said predetermined message is a PIN or password [paragraphs 0036, 0050].

(10) Response to Argument

Issue C1: Description of the Herle et al. reference (Herle):

Appellant argues that Herle does not teach reporting location information in relational form using a map. The Examiner agrees with this assertion as Ross was relied upon to teach this feature. Appellant argues that Herle does not teach a mobile user being able to block location information during a time duration determined by the user. The Examiner agrees with this assertion as Wilson was relied upon to teach this limitation. Appellant further argues that Herle does not teach blocking location information at all. The Examiner respectfully disagrees as Herle teaches blocking location information unless the requesting party is authorized to receive the location information [paragraph 0036].

Issue C2: Description of the Ross reference (Ross):

Appellant argues that Ross does not teach returning locations as written English or other language references to streets, buildings or intersection. However, this is not required in the claim language. Claim 21 only requires that location information be returned by written description and shown on a map. Ross meets this limitation in disclosing that the location information can be returned as raw data (latitude/longitude) or processed information including maps [paragraphs 0019, 0028, 0053]. Appellant

argues that Ross does not teach returning the location as a voice description as required in dependent claim 23. However, the Examiner respectfully disagrees as Ross teaches that the location information can be given orally [paragraph 0053].

Appellant argues that Ross teaches away from locating a particular user. However, the Examiner respectfully disagrees as locating a particular user is taught in paragraph 0058.

Issue C3: Description of the Wilson et al. reference (Wilson):

Appellant argues that Wilson does not teach translation of locations to streets intersection and buildings. However, this feature is not recited in the claim language. Appellant also argues that Wilson does not teach entering a code on the mobile to block location. Again, this feature is not required in the claim language. Wilson is relied upon to teach blocking location of the handset for a time duration determined by the user by an action taken by the user directly on the handset, said action causing said handset to send a message to the telephone service provider, wherein the telephone service provider blocks location determination [abstract; paragraphs 0120, 0156-0158, 0167]. Specifically, the action taken on the handset is pressing a dedicated button or switch to turn invisibility (location blocking) on and off [paragraph 0167]. Further, Wilson teaches that this blocking action causes a stop request to be sent to the telephone service provider to cause the provider to block location determination [abstract; paragraphs 0156-0158]. Wilson also teaches blocking location for a time duration determined by the user [paragraph 0120].

Issue E1:

Appellant contends that the cited references do teach a handset owner being able to block location of the handset for a time duration determined by the handset owner by an action taken directly on the handset wherein the action causes a message to be sent to the telephone service provider and the service provider blocks the location. As discussed in the paragraph above under "Issue C3", the Examiner maintains that this feature is taught by Wilson as Wilson discloses a button or switch on the handset to readily turn location blocking on and off. Activating this button sends a stop request to the service provider wherein the service provider subsequently blocks location determination. In addition to the arguments above, paragraph 0157 of Wilson teaches that if the user is invisible (has activated location blocking), the system (service provider) does not provide the user's location. Also, claim 3 of Wilson discloses that the server (service provider) receives requests from the user's device to modify invisibility options. Therefore, the Examiner maintains that Wilson teaches sending a message to the service provider to subsequently block location determination.

Issue E2:

Appellant argues that the references do not teach sending a predetermined message to the telephone service provider that causes the provider to locate the handset even when the handset owner has blocked location determination. Appellant goes on to discuss the Wilson reference with regard to this limitation. However, the

Examiner relied upon Herle for this teaching. Herle specifically teaches a client device requesting the location of a mobile station, wherein the location is provided only if the client device (consumer) is authorized to obtain the mobile station's location [abstract; paragraphs 0006, 0027, 0036, 0050]. Herle's disclosure suggests that the mobile station owner blocks the location information unless the requesting party is authorized to receive the location information [paragraph 0036]. Thus the Examiner contends that Herle teaches sending a predetermined message to enable location of a mobile telephone handset even when location of the handset is blocked. As written, the claim limitations are met by the reference.

Issue E3:

The Examiner maintains that the combined references of Herle, Ross, and Wilson meet all the claim limitations and the Examiner has met the requirements for a prima facie case of obviousness. In summary, the only limitations not expressly taught by Herle is that (a) the location information is returned in relational form by written description and on a map; and (b) the user is able to block location of their handset for a time duration by an action taken by the user directly on said handset, said action causing said handset to send a message to the service provider to block location determination. Regarding limitation (a), it is well known in the art to provide location information in relational form, such as a street address, as longitude and latitude coordinates are not of much use to a novice seeking location information. Ross specifically teaches processing raw location information into a useable format and

including a map of the geographic location [paragraphs 0019, 0028-0029]. Further, it is inherent that street names are provided on maps. Thus, Ross sufficiently teaches the claim limitation. Regarding limitation (b), Wilson is relied upon to teach the user blocking location of their handset by taking an action directly on their handset [paragraph 0167] for a time duration [paragraph 0120], wherein said action causes a message to be sent to the service provider to block location determination [abstract; paragraphs 0156-0158].

Issue E4:

Appellant argues that Ross and Wilson teach away from each other. However, the Examiner respectfully disagrees as both references teach managing location information of a mobile communication devices including privacy or location blocking features. The Examiner maintains that the applied teachings of Ross and Wilson properly and adequately read on the claim limitations and the applied teachings are supported by the motivation to combine the references with Herle.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

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For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Erika A. Gary



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PRIMARY EXAMINER

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